

Appl. No. 10/005431
Amdt. Dated 12/22/2003
Reply to Office Action of July 7, 2003

REMARKS/ARGUMENTS

Applicants acknowledge the examiner's restriction requirement under 35 USC § 121, wherein the examiner classified the claims as group I (Claims 1-36), group II (Claims 37-54) and group III (claims 55-64). Applicants affirm their provisional election, with traverse, to prosecute the group I. Claims 37-64 are withdrawn from further consideration, without prejudice to appropriately filed divisional applications.

Applicants further acknowledge the objection to the Abstract. An amended Abstract of appropriate length has been submitted.

Claims Rejections - 35 USC § 102

Claims 1-30, 34 and 35 have been rejected as anticipated by Joyce (US 3,747,843). Claim 1, as currently amended, structurally distinguishes over Joyce. Joyce does not show a rotor having a peripheral fluid separation channel having a first end, a second end and a central section wherein the fluid inlet channel connects to the central section of the separation channel, and the outlet channels connect to opposite ends of the separation channel. Joyce also does not disclose that such outlet channels disposed at opposite ends of a separation channel should have different heights, as required by the amended claim. Claims 2-16 should be allowed with their parent claim.

In addition to the mentioned limitations of claim 1, new claims 65-76, which depend from claim 1, each structurally distinguish over Joyce and are believed to be patentable. The examiner's consideration of these claims is respectfully solicited. No new matter has been added. Joyce does not show a separation channel that is semi-spiraled about an axis of rotation of the rotor, with different heights at the ends of the separation channel. (Claims 65, 66 and 73. See Specification page 11, lines 19-22, and page 22, lines 4-16.) Joyce does not show counter rotational flow in one part of the separation channel. (Claim 67. See Specification, page 16 line

Appl. No. 10/005431
Amdt. Dated 12/22/2003
Reply to Office Action of July 7, 2003

23- page 17, line 21.) Collection areas of the type described in claims 68 and 69 are not shown in the cited art. (See Specification, page 28, line 6 - page 29, line 5 and Fig. 9 and 10.) Extensions into the collection areas as claimed in Claims 70, 74 and 75 are also not anticipated by the cited art. (See Specification page 38, lines 19-25 and Fig. 18.) Nor are multiple processing areas having the characteristics specified in claims 71 and 72 to be found in Joyce. (See Figs. 12-14 and Specification page 32, line 25 - page 36, line 27.) Claim 76 also specifies that each collection area has a central section and an outlet channel connects to the collection area in the central section. (See, e.g., Fig. 12 and Fig. 18.) Each of these claims, dependent directly or indirectly from claim 1, further distinguish over the art and should be allowed.

Claim 17, as currently amended, also distinguishes over Joyce. Joyce does not show a rotor having a peripheral fluid separation channel having a first end, a second end and a central section wherein the fluid inlet channel connects to the central section of the separation channel, and the outlet channels connect to opposite ends of the separation channel. Joyce also does not disclose that such outlet channels disposed at opposite ends of a separation channel should have different heights each of the outlet channel heights being less than the inlet channel height, as required by the amended claim. Claims 18-30 should be allowed with their parent claim.

Claims 34-36 have been canceled and the rejection of those claims need not be discussed further here.

Claims Rejections - 35 USC § 103

Applicants confirm that the subject matter of the various claims was commonly owned at the time of any inventions covered therein.

Claims 31-33 are rejected over Joyce in view of Ontko et al. (US 3,304,990). Claim 31, as currently amended, structurally distinguishes over Joyce. Joyce does not show a

Appl. No. 10/005431
Amndt. Dated 12/22/2003
Reply to Office Action of July 7, 2003

rotor having a peripheral fluid separation channel having a first end, a second end and a central section wherein the fluid inlet channel connects to the central section of the separation channel, and the outlet channels connect to opposite ends of the separation channel. Joyce also does not disclose that such outlet channels disposed at opposite ends of a separation channel should have different heights, as required by the amended claim. Nor does Joyce show a semi-spiraled separation channel with a first end radially farther away from an axis of rotation of the rotor than the second end of the separation channel. Joyce does not show an outlet channel connected to the radially farther away first end of the separation channel that has a height less than the height of an outlet channel connected to the radially closer second end of the separation channel. Ontko et al. also does not show any of these features. Claim 31 should be allowed. Claims 32-33 should be allowed with their parent claim.

In view of the forgoing amendments to the specification (abstract) and the claims, it is believed that all outstanding matters have been addressed and that the case is in condition for allowance. The examiner's reconsideration of the case is, therefore, earnestly solicited. If the examiner believes a telephone conference would advance the prosecution of the case, the examiner is urged to call the undersigned attorney.

Respectfully submitted,

Date

John R. Merkl
Registration No.: 31,716
Gambro, Inc.
10810 W. Collins Avenue
Lakewood, CO 8015
(303) 239-2362